

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Fred S. Cook) Group Art Unit: 2442
)
Serial No.: 10/606,918) Confirmation No.: 5738
)
Filed: 6/26/2003) Examiner: Grant M. Ford
)
For: Compositional Service Resource Reservation)	Atty. Docket: 2182(16166)

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

This is in reply to the Examiner's Answer mailed September 29, 2009, particularly the points in Section 10, Response to Argument, points (A)-(C) on pages 12-15 of the Answer.

With regard to point (A), the Answer states that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references, which mischaracterizes Appellant's Brief. The Brief states on page 8 that "the aggregation and allocation of network traffic paths to perform a data processing operation using virtual processing elements as claimed is neither shown nor suggest by the cited references." Furthermore, the combination of references is merely

the aggregate of what is disclosed individually by the references, and in order to analyze the rejection one must make statements about the references.

In point (A), the Answer states that “regarding Appellant’s arguments directed to the prior art of Rawlins failing to disclose virtual processing elements having a respective data processing operation and being accessible by a respective network path, one cannot show nonobviousness by attacking references individually...” and the “Examiner notes that the prior art of Bruck was relied upon for the Appellant argued limitation...” In fact, in Section 9, Grounds of Rejection (page 3), the Answer states that “Rawlins discloses a method comprising the steps of interconnecting a plurality of physical processing elements within said network for providing a plurality of virtual processing elements that are accessible by respective network traffic paths (Col 6 lines 42-64).” The Answer (Section 9, page 4) later states that “Bruck teaches wherein the plurality of virtual processing elements that are accessible by respective network traffic paths perform a respective data processing operation on user-supplied data (Abstract, Col 4 lines 16-45, Col 5 line 48 through Col 6 line 20).” Thus, the Answer in reality argues that Bruck suggests that the virtual processing elements supposedly accessible by respective network traffic paths in Rawlins could be modified by Bruck to allegedly perform a respective data processing operation on user-supplied data. As shown in Appellant’s Brief, analysis of the references shows that the combination lacks the teachings attributed to them by the rejection. If the Answer is taken to suggest that Bruck teaches itself network traffic paths that each perform a respective data processing operation, then that is likewise reversible error.

As to Section 10, point (B) on page 14, the Answer states that “Appellant’s argument is unclear as to what interaction between functions is required by the instant claim language.” The issue concerning Bruck is that since there is no interaction, there is no allocation being made to service any requests. Moreover, choosing a different traffic path in claim 1 would result in a different data processing operation, since “a respective

network traffic path” will “perform a respective data processing operation on user-supplied data”. Neither Rawlings nor Bruck suggest such a limitation.

In Section 10, point (C) on page 15, the Answer continues to rely on processing in Rawlins that operate on addresses in order to accomplish routing of network traffic. These operations are not on user-supplied data as that term is used in the present invention. Address functions are transparent to the user, and have no affect on the user-data transmitted over the network as a payload.

Accordingly, the final rejection dated March 16, 2009, should be reversed.

Respectfully submitted,

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